

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**DARAIUS DUBASH, and DR. FARAZ  
HARSINI**

**Plaintiffs,**

**V.**

**CITY OF HOUSTON, TEXAS;  
HOUSTON DOWNTOWN PARK  
CORPORATION; OFFICER ROBERT  
DOUGLAS (# 7943), in his Individual  
capacity; OFFICER VERN WHITWORTH  
(# 7595), in his individual capacity;  
DISCOVERY GREEN CONSERVANCY  
f/k/a HOUSTON DOWNTOWN PARK  
CONSERVANCY; and BARRY MANDEL,  
in his individual capacity,**

## Defendants.

**CIVIL ACTION  
CASE NO. 4:23-cv-03556**

**JOINT MOTION SETTING BRIEFING SCHEDULE AND PROPOSING HEARING  
DATE ON PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

The parties to this Action jointly move for an Order setting a briefing schedule on Plaintiffs' motion for a preliminary injunction, and extending the timeframe in which the Court schedules a hearing on the motion.

## I. BRIEFING SCHEDULE

1. This action involves allegations by Plaintiffs that Defendants violated certain rights under the United States Constitution, and the Texas Religious Freedom Restoration Act (found generally at TEX. CIV. PRAC. & REM. CODE § 110.001, *et seq.*). The Complaint consists of eight separate causes of action articulated through 279 decretal paragraphs. *See* Docket No. 1.

2. Since filing the action, Plaintiffs moved for a preliminary injunction seeking to restrain defendants from taking certain actions relative to the allegations in the Complaint pending the disposition of this suit. *See* Docket Nos.13-16.

3. The firm of Wilson, Elser, Moskowitz, Edelman & Dicker was retained to represent Discovery Green Conservancy and Barry Mandel (hereinafter “the Conservancy Defendants”) in this action, including in its response to the preliminary injunction motion, and entered an appearance on behalf of the Conservancy Defendants on November 1, 2023. *See* Docket No. 21.

4. By way of a Joint motion filed November 10, 2023, the Conservancy Defendants requested that the Court set a briefing schedule on Plaintiffs’ motion for a preliminary injunction, which extended the Conservancy Defendants’ deadline to oppose the motion until December 8, 2023, extend Plaintiffs’ deadline to reply until December 22, 2023, and requested that any hearing on the motion not be held before January 16, 2023. *See* Docket No. 27. The Court has not yet decided this request.

5. Since the filing of that request, the remaining parties have made appearances in this matter. The firm of Thornton Biechlin Reynolds & Guerra appeared yesterday for Defendant Downtown Park Corporation (*see* Docket Nos. 32, 33). The firm of Wilson, Elser, Moskowitz, Edelman & Dicker entered an appearance for defendants City of Houston, Texas, Officer Robert Douglas, and Officer Vern Whitworth (hereinafter “the City Defendants”) today, December 7, 2023 (*see* Docket No. 34).

6. So that the newly appearing attorneys have the opportunity to adequately respond on behalf of the City Defendants and the Downtown Park Corporation, and to maintain a consistent briefing schedule, the Parties respectfully request that the deadline to oppose the motion be

extended to December 27, 2023, and that the Plaintiffs' deadline to submit any reply papers be extended to January 10, 2024.

## **II. EVIDENTIARY HEARING DATE**

7. As noted in the last joint motion, Plaintiffs are represented by attorneys affiliated with Law and Religion Clinic at the University of Texas at Austin Law School. Given the involvement of law students in this case, and the desire for students to be able to attend any hearing, Plaintiffs have requested that any hearing on the motion for a preliminary injunction not be held until a date after January 16, 2024.

8. Defendants have no objection to this request.

## **III. PRAYER FOR RELIEF**

9. Based upon the foregoing, Plaintiffs and the Conservancy Defendants jointly request that the Court set a motion schedule as follows:

- **All Defendants' oppositions to the motion for a preliminary injunction shall be due on or before December 27, 2023**
- **Plaintiffs reply to the Defendants' opposition shall be due on or before December January 10, 2024**
- **Any hearing on this motion shall be held on a date after January 16, 2024.**

Respectfully submitted,

s/ Andrew S. Holland

**Andrew S. Holland**

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**Attorneys for Plaintiffs**

**CERTIFICATE OF SERVICE**

I, Andrew S. Holland, certify that today, December 8, 2023, I filed the within joint motion for a briefing schedule with CM/ECF, for filing and service upon all attorneys who have appeared.

s/ Andrew S. Holland

ANDREW S. HOLLAND